

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Civil Action No. 5:23-cv-00469-FL

AFFORDABLE CARE, LLC,

Plaintiff,

v.

STEPHEN BENCH, DDS and
AFFORDABLE DENTURES & IMPLANTS
– BURLINGTON, VT, P.C.,

Defendants.

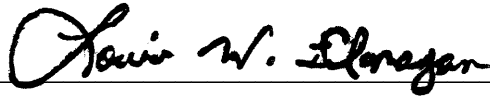
ORDER

Before the Court is the Motion to Confirm Arbitration Award [DE 11] filed by Plaintiff Affordable Care, LLC (“Plaintiff”). Plaintiff requests the Court confirm the arbitration award that was entered against Defendants Stephen Bench, DDS and Affordable Dentures & Implants – Burlington, VT, P.C. (collectively “Defendants”), a copy of which Plaintiff included in its complaint [DE 1-1]. The lengthy arbitration decision issued by Arbitrator Denise Cline Smith awarded Plaintiff \$925,792.54 in damages, as well as \$200,000 in punitive damages. This Court has jurisdiction over this matter and Plaintiff’s motion under 9 U.S.C. § 9.

The court has considered Plaintiff’s motion, along with its supporting memorandum in full. Defendants have been served, but they elected not to oppose the motion. For good cause shown, the Court hereby **GRANTS** the Motion and the arbitration award is **CONFIRMED**. Defendants are **ORDERED** to pay Plaintiff a total of One Million One Hundred Twenty Thousand, Seven Hundred Ninety Two Dollars And Fifty Four Cents (\$1,125,792.54). This damage award is comprised of \$925,792.54 in compensatory damages and \$200,000 in punitive damages. The clerk is directed to enter Final Judgment in this case in favor of Plaintiff consistent with the terms of this Order.

The Arbitrator is still considering an attorney fee award and this Court retains jurisdiction to review, vacate and confirm any further orders issued by Arbitrator Denise Cline Smith between the Parties.

Signed this 5th day of February, 2024.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive style with a large initial "L".

LOUISE W. FLANAGAN
United States District Judge

CERTIFICATE OF SERVICE

I certify that I caused the foregoing Proposed Order to be filed using the Court's CM/ECF system, which will serve a copy upon all counsel of record. I further certify that I caused a copy of the foregoing Proposed Order to be served on the following individuals via U.S. Mail, First Class

Stephen Bench, DDS
426 Place Road West
Hinesburg, VT 05461

Affordable Dentures & Implants – Burlington, VT, P.C.
1162 Williston Road
South Burlington, VT 05403

This the 31st day of January, 2024

/s/ Benjamin L. Williams
Benjamin L. Williams
Attorney for Affordable Care

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[PROPOSED] ORDER

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U.S. District Court Judge

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This the 31st day of January, 2024

/s/ Benjamin L. Williams
Benjamin L. Williams
Attorney for Affordable Care